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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 10/049,598 | 02/14/2002 | Hiroshi Yamaki | 0649-0835P | 9710 |
| 2292 | 7590 | 01/13/2004 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH | | | FONTAINE, MONICA A | |
| PO BOX 747 | | | ART UNIT | PAPER NUMBER |
| FALLS CHURCH, VA 22040-0747 | | | 1732 | 7 |
| DATE MAILED: 01/13/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

A.S.F.

| | | |
|------------------------------|-------------------------------|------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/049,598 | YAMAKI, HIROSHI |
| | Examiner Monica A Fontaine | Art Unit 1732 |

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 February 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 February 2002 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaki et al. (EP 0 826 477 A2). Regarding Claim 1, Yamaki et al., hereafter “Yamaki,” show that it is known to carry out a method of injection molding of a thermoplastic resin (Abstract), comprising filling a mold cavity with a molten resin, having at least 0.2 wt% of carbon dioxide dissolved therein to lower its melt viscosity, while allowing the molten resin to foam at the flow front thereof (Page 4, lines 26-35, 52; Page 5, lines 42-44; Page 9, Example 1), and then pressurizing the resin in the mold cavity to at least a pressure at which the resin does not foam (Page 5, lines 57-58; Page 6, lines 1-8).

Regarding Claim 2, Yamaki shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein a thermoplastic resin having an amount of carbon dioxide dissolved in its molten resin at the molding temperature, when carbon dioxide is supplied from a plasticizing cylinder of an injection molding machine to be dissolved in the molten resin, of not more than 0.3 wt%/MPa with respect to the pressure of the supplied carbon dioxide is used (Page 5, lines 42-54; It is noted that the examiner assumed the dissolved weight percent of

carbon dioxide was 0.3 wt% taken from the cited lines, and that the carbon dioxide pressure was 2 MPa, taken from an example listed in Table 1).

Regarding Claim 3, Yamaki shows the process as claimed as discussed in the rejection of Claims 1 and/or 2, including a method wherein the amount of the carbon dioxide dissolved in the molten resin is not more than 10 wt% (Page 5, lines 42-44).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with regard to the dissolving of gases into thermoplastic molding resins in general:

U.S. Patent 4,990,595 to Traechkner et al.

U.S. Patent 5,997,781 to Nishikawa et al.

U.S. Patent 6,146,577 to Yamaki et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica A Fontaine whose telephone number is 571-272-1198. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 1732

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0987.

Maf

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January 8, 2004



**MICHAEL COLAIANNI
PRIMARY EXAMINER**